

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Termination of Probation of:

CARRIE RUTH HODGSON
930 E. Vasser
Fresno, CA 93704

Petitioner.

OAH No. N 2000080503

DECISION

This matter was heard before a quorum of the Board of Registered Nursing on September 7, 2000, in San Francisco, California. Members present were: Mary Jo Gorney-Moreno, Ph.D., RN, President; Sandra Erickson, CRNA, Vice-President; Sharon Ecker, RN, Monta Huber, Public Member; Seth Liebman, ESQ., Public Member and LaFrancine Tate, Public Member. Thomas C. Kravis, MD, was not present.

Mary-Margaret Anderson, Administrative Law Judge, Office of Administrative Hearings, presided.

Hannah Hirsch Rose, Deputy Attorney General, represented the Office of the Attorney General.

Petitioner Carrie Ruth Hodgson was present and represented herself.

Evidence was received and the matter submitted.

FACTUAL FINDINGS

1. On March 31, 1983, the Board of Registered Nursing ("Board") issued registered nurse license No. 358106 to Carrie Ruth Coelho. She is now known as Carrie Ruth Hodgson ("Petitioner").

2. Effective July 31, 1993, the Board revoked Petitioner's license under Business and Professions Code¹ section 2761(a) for unprofessional conduct and for conviction of a related criminal offense. Petitioner admitted using alcoholic beverages while on duty at Fresno Community Hospital in Fresno, California in December 1990 and was convicted of driving under the influence of alcohol. Petitioner also stipulated that she had been convicted in September of 1987 of driving with an unlawful amount of alcohol in her blood.

As a result, the Board placed Petitioner's license on probation for three years pursuant to specified terms and conditions.

3. Respondent filed a petition dated September 22, 1994, for reduction of penalty.

The Board denied the petition. It was concluded that given the mandate to protect the public interest insufficient time had passed.

4. Effective April 29, 1998, the Board revoked Petitioner's license under section 2761(a) for unprofessional conduct in that she admitted using alcohol in a manner dangerous or injurious to herself.

As a result, the Board placed Petitioner's license on probation for five years pursuant to specified terms and conditions.

5. Petitioner has been sober for 4 years and 4 months and is confident of her continued sobriety. When she petitioned before, she felt that she had hit bottom, but subsequently found she had not. In 1998, Petitioner self-reported her relapse and entered an alcohol treatment program.

Currently, Petitioner feels she has established a firm foundation for her sober life. She starts every day thanking God for another clean and sober day and ends it the same way. She has learned a lot about anger management and coping with depression. Her husband passed away in February after nine months in a coma, yet she was able to get through it with the help of family, friends and church. Also, she feels that the structure provided by the Board's program has helped.

Petitioner recently took a leave of absence to care for her two-year-old. She is living on social security. She feels she no longer needs to be on probation, and it would be a great relief for it to be over.

¹ All Code references are to the Business and Professions Code, unless specified otherwise.

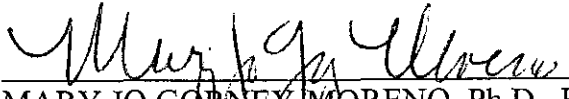
LEGAL CONCLUSIONS

Cause for termination of Petitioner's probationary status exists based on her adherence to the terms and conditions of her probation and the solid evidence of rehabilitation presented.

ORDER

The petition for termination of probation is granted. License No. 358106 held by Petitioner Carrie Ruth Hodgson is fully restored.

DATED: 11/11/2008


MARY JO GORNEY-MORENO, Ph.D., RN
President, Board of Registered Nursing
State of California

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of the State of California
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6

7 Attorneys for Complainant

8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

NO. 97-40

12 CARRIE RUTH COELHO *HODGSON*
aka CARRIE RUTH GANCI

STIPULATION, DECISION
AND ORDER

13 930 E. Vassar
Fresno, California 93704
14 Registered Nurse License No. 358106

15 Respondent.
16

17 1. The Board of Registered Nursing (hereinafter "Board"), its legal
18 counsel, Daniel E. Lungren, Attorney General, by and through Deputy Attorney General
19 June LaVerne Long and respondent Carrie Ruth Coelho aka Carrie Ruth Ganci (hereinafter
20 "respondent"), in pro per, whose address of record is 930 E. Vassar, Fresno, California
21 93704, agree that the purpose of this Stipulation, Decision and Order (hereinafter
22 "stipulation") is to remove from dispute the allegations and charges made against respondent
23 in accusation number 97-40.

24 2. Respondent understands that the admissions made in the stipulation may
25 be used in any other proceeding before the Board, or in any action taken by or before any
26 governmental body responsible for licensing or disciplining licensees.
27

1 3. The Board exercises its right to costs against the respondent pursuant
2 to Section 125.3 of the Business and Professions Code and has set forth its costs in the order.
3 A copy of the Certification of Costs is attached hereto as Attachment A.

4 4. Respondent stipulates that: (1) the admissions made in the stipulation
5 by respondent constitute a proper and factual basis for issuance of a disciplinary order by the
6 Board; (2) the disciplinary order of the Board may be issued without the convening of an
7 administrative hearing and the introduction of oral and documentary evidence against
8 respondent; and, (3) the matters set forth in paragraphs numbered one through nine are true
9 and correct.

10 5. Complainant Ruth Ann Terry, R.N., M.P.H., filed accusation number
11 97-40 in her official capacity as Executive Officer for the Board.

12 6. On March 31, 1983, the Board of Registered Nursing issued registered
13 nurse license number 358106, to respondent. On March 31, 1999, the license will expire,
14 if not renewed.

15 On July 31, 1993, the Board of Registered Nursing revoked respondent's
16 registered nurse license in the Stipulation, Decision and Order, In the Matter of the
17 Accusation Against: Carrie Ruth Coehlo, aka Carrie Ruth Ganci, Accusation No. 93-9,
18 subjecting her license to discipline under Business and Professions Code section 2761(f) and
19 490 (conviction) and 2761(a) as defined in 2762(b) (used alcohol impairing her ability to
20 practice nursing); however, stayed the revocation and placed respondent on three years
21 probation under certain terms and conditions.

22 7. On October 9, 1996, the captioned accusation was filed against
23 respondent. Respondent was duly and properly served with said accusation and has filed a
24 timely notice of defense in this matter.

25 8. Respondent has been fully advised of her rights under the Administrative
26 Procedure Act of the State of California, including her right to a formal hearing and the
27 opportunity to defend the charges contained in the accusation and to reconsideration and

appeal of any adverse decision that might be rendered following a formal hearing. Respondent knowingly and intelligently waives her right to a hearing, reconsideration, and appeal regarding the captioned accusation and to any and all other rights which may be accorded to her pursuant to the Administrative Procedure Act of the State of California, or otherwise, regarding the charges contained in the captioned accusation.

9. It is understood by respondent that, in deciding whether to adopt this stipulation, the Board may receive oral and written communications from its staff and the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the Board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the Board, the stipulation will not become effective and may not be used for any purpose, except for this paragraph, which shall remain in effect.

10. Respondent admits that the following is true:

Respondent's license is subject to discipline under Business and Professions Code section 2761(a) on the grounds of unprofessional conduct as defined in section 2762(b) of that code in that while licensed as a registered nurse, she used alcohol to an extent or in a manner dangerous or injurious to herself in the following respects:

a. On or about March 23, 1996, respondent was admitted to Cedar Vista Hospital, Fresno, California, for detoxification.

b. On or about April 6, 1996, respondent voluntarily entered Rancho L'Abri, Dulzura, California, a structured drug and alcohol treatment program.

ORDER

11. Based on the foregoing admissions, it is stipulated that the Board may issue the following Decision and Order which will become effective upon adoption:

License Number 358106 is hereby revoked; however, said revocation is stayed and respondent is placed on five years probation upon the following terms and conditions:

1 (1) OBEY ALL LAWS - Respondent shall obey all federal, state and local
2 laws, and all rules and regulations of the Board of Registered Nursing governing the practice
3 of nursing in California. A full and detailed account of any and all violations of law shall
4 be reported by the respondent to the Board in writing within seventy-two (72) hours of
5 occurrence. To permit monitoring of compliance with this term, respondent shall submit
6 completed fingerprint cards and fees within 45 days of the effective date of the decision,
7 unless previously submitted as part of the licensure application process.

8 (2) COMPLY WITH PROBATION PROGRAM - Respondent shall fully
9 comply with the terms and conditions of the Probation Program established by the Board and
10 cooperate with representatives of the Board in its monitoring and investigation of the
11 respondent's compliance with the Program. Respondent shall inform the Board in writing
12 within no more than 15 days of any address change and shall at all times maintain an active,
13 current license status with the Board, including during any period of suspension.

14 (3) REPORT IN PERSON - Respondent, during the period of probation,
15 shall appear in person at interviews/meetings as directed by the Board or its designated
16 representatives.

17 (4) ABSENCE FROM STATE - Periods of residency or practice outside
18 of California will not apply to the reduction of this probationary term. The respondent must
19 provide written notice to the Board within 15 days of any change of residency or practice
20 outside the state.

21 (5) SUBMIT WRITTEN REPORTS - Respondent, during the period of
22 probation, shall submit such written reports/declarations and verification of actions under
23 penalty of perjury as are required. These declarations shall contain statements relative to
24 respondent's compliance with all the terms and conditions of the Board's Probation Program.
25 Respondent shall immediately execute all release of information forms as may be required
26 by the Board or its representatives.
27

1 (6) FUNCTION AS A REGISTERED NURSE - Respondent, during the
2 period of probation, shall engage in the practice of professional nursing in California for a
3 minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months.
4 Per Section 2732 of the Business and Professions Code, no person shall engage in the
5 practice of registered nursing without holding a license which is in an active status.

6 (7) NURSING PRACTICE - The Board shall be informed of and approve
7 of each agency for which the respondent provides nursing services prior to respondent's
8 commencement of work. The respondent shall inform her employer of the reason for and
9 the terms and conditions of probation and shall provide a copy of the Board's decision and
10 order to her employer and immediate supervisor. The employer shall submit performance
11 evaluations and other reports as requested by the Board. Respondent is also required to
12 notify the Board in writing within seventy-two (72) hours after termination of any nursing
13 employment. Any notification of termination shall contain a full explanation of the
14 circumstances surrounding it.

15 (8) SUPERVISION - The Board shall be informed of and approve of the
16 level of supervision provided to the respondent while she is functioning as a registered nurse.
17 The appropriate level of supervision must be approved by the Board prior to commencement
18 of work. Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing.

20 (9) EMPLOYMENT LIMITATIONS - Respondent may not work for a
21 nurse registry; temporary nurse agency; home care agency; in-house nursing pool; as a
22 nursing supervisor; as a faculty member in an approved school of nursing; or as an instructor
23 in a Board approved continuing education program. Respondent must work only on
24 regularly assigned, identified and predetermined worksite(s) with appropriate supervision as
25 approved by the Board.

1 (10) COMPLETE A NURSING COURSE(S) - Respondent at her expense,
2 shall begin and successfully complete a course(s) in nursing as directed by the Board prior
3 to engaging in the practice of nursing and prior to the end of the probationary term.

4 The respondent may be suspended from practicing nursing until the necessary
5 coursework is completed. The content of such course(s) and the place and conditions of
6 instruction shall be specified by Board representatives at the time of the initial probation
7 meeting based on the nature of the violation(s). Specific courses must be approved prior to
8 enrollment. The respondent must submit written proof of enrollment and proof of successful
9 completion. Transcripts or certificates of completion must be mailed directly to the Board
10 by the agency or entity instructing the respondent.

11 Home study or correspondence courses are not acceptable and will not be
12 approved.

13 (11) COST RECOVERY - Respondent shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$1,970.50. Respondent shall be permitted to pay these costs
16 in a payment plan approved by the Board, with payments to be completed no later than three
17 months prior to the end of the probation term.

18 (12) VIOLATION OF PROBATION - If respondent violates the conditions
19 of her probation, the Board after giving the respondent notice and an opportunity to be
20 heard, may set aside the stay order and impose the stayed discipline (revocation/suspension)
21 of the respondent's license.

22 If during the period of probation, an accusation or petition to revoke probation
23 has been filed against respondent's license or the Attorney General's Office has been
24 requested to prepare an accusation or petition to revoke probation against the respondent's
25 license, the probationary period shall automatically be extended and shall not expire until the
26 accusation or petition has been acted upon by the Board. Upon successful completion of
27 probation, the respondent's license will be fully restored.

1 (13) PHYSICAL EXAMINATION - Respondent, at her expense, within
2 45 days of the effective date of this decision, shall have a licensed physician specializing in
3 chemical dependency submit, in a format acceptable to the Board, an assessment of the
4 respondent's physical condition and capability to perform the duties of a professional
5 registered nurse. If medically determined, a recommended treatment program will be
6 instituted and followed by the respondent with the physician providing written reports to the
7 Board on forms provided by the Board.

8 (14) PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL
9 DEPENDENCE - Respondent, at her expense, shall successfully complete or shall have
10 successfully completed a treatment/rehabilitation program of at least six months duration
11 which the Board approves. Reports shall be submitted by the program on forms provided
12 by the Board. If respondent has not completed a treatment program prior to commencement
13 of probation, the respondent, within a reasonable period of time as determined by the Board
14 (but not exceeding 45 days from the effective date of the decision) shall be enrolled in a
15 treatment program. If a treatment program is not successfully completed within the first nine
16 months of probation, the Board will consider the respondent to be in violation of probation
17 and will initiate further disciplinary action against the respondent's license.

18 In addition, respondent must attend two 12-step recovery meetings per week
19 (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as
20 directed by the Board. If a nurse support group is not available, an additional 12-step
21 meeting must be added. Respondent must submit dated and signed documentation confirming
22 such attendance to the Board during the entire period of probation.

23 (15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)
24 DRUGS - Respondent shall completely abstain from the possession, injection or consumption
25 by any route of all psychotropic (mood altering) drugs, including alcohol, except when the
26 same are lawfully prescribed by a licensed physician or dentist as part of documented
27 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen

1 (14) days, by the prescribing physician or dentist, a report identifying the medication,
2 dosage, the date the medication was prescribed, the respondent's prognosis, and the date the
3 medication will no longer be required.

4 (16) SUBMIT TO TESTS AND SAMPLES - Respondent, at her expense,
5 shall participate in a random, biological fluid testing or a drug screening program which the
6 Board approves. The length of time and frequency will be subject to approval by the Board.
7 The respondent is responsible for keeping the Board informed of respondent's current
8 telephone number at all times and for ensuring that reports are submitted directly by the
9 testing agency to the Board, as directed. Any confirmed positive finding shall be reported
10 immediately to the Board by the program and the respondent will be considered in violation
11 of probation.

12 In addition, respondent, at any time during the period of probation shall fully
13 cooperate with the Board or any of its representatives, and shall, when requested, submit to
14 such tests and samples as the Board or its representatives may require for the detection of
15 alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

16 (17) MENTAL HEALTH EXAMINATION - The respondent shall, within
17 45 days of the effective date of this decision, have a mental health examination including
18 psychological testing as appropriate to determine her capability to perform the duties of a
19 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
20 licensed mental health practitioner approved by the Board. The examining mental health
21 practitioner will submit a written report of that assessment and recommendations to the
22 Board. All costs are the responsibility of the respondent. Recommendations for treatment,
23 therapy or counseling made as a result of the mental health examination will be instituted and
24 followed by the respondent.

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1 (18) THERAPY OR COUNSELING PROGRAM - Respondent, at her
2 expense, shall participate in an ongoing counseling program until such time as the Board
3 releases her from this requirement and only upon the recommendation of the counselor.
4 Written progress reports from the counselor will be required at various intervals.

5 DATED: October 10, 1997

6 Respectfully Submitted,

7 DANIEL E. LUNGREN
8 Attorney General of the State of California
9 JOEL S. PRIMES
10 Supervising Deputy Attorney General

11 
12 JUNE LAVERNE LONG
13 Deputy Attorney General

14 Attorneys for Complainant

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16 JLL:cm
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1 **WAIVER, ACKNOWLEDGEMENT AND AGREEMENT**

2 I have read the Stipulation, Decision and Order. I understand that I have a
3 right to a hearing on the charges contained in the captioned accusation, the right to cross-
4 examine witnesses and introduce evidence in mitigation at said hearing, and the right to
5 appeal from any adverse decision. I knowingly and intelligently waive all these rights, and
6 I understand that by signing this stipulation and agreement I am agreeing that the Board of
7 Registered Nursing, Department of Consumer Affairs may impose disciplinary action against
8 my registered nurse license number 358106.

9 I understand the terms and conditions of the Stipulation, Decision and Order
10 and I agree to be bound by all of its terms and conditions.

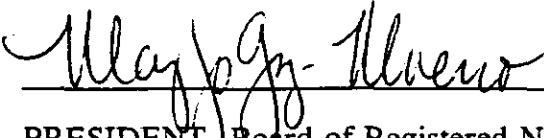
11
12 DATED: Oct 1, 1997

Carrie Ruth Coelho (was Coelho)
CARRIE RUTH COELHO
Registered Nurse License No. 358106
Respondent

1 **DECISION AND ORDER**

2 The foregoing Stipulation and Agreement is adopted as the Decision and Order
3 of the Board of Registered Nursing, Department of Consumer Affairs of the State of
4 California in the captioned matter, and shall become effective on the 29th day
5 of April, 1998.

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7 DATED: April 29, 1998.

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PRESIDENT, Board of Registered Nursing

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES, State Bar No. 42568
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6 Attorneys for Complainant

8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11
12 In the Matter of the Petition to) No. 97-4
Revoke Probation Against:)
13)
CARRIE RUTH COELHO) PETITION TO
14 aka CARRIE RUTH GANCI) REVOKE PROBATION
1069 East North)
15 Fresno, California 93725)
Registered Nurse)
16 License No. 358106)
Respondent.)

17
18
19 Ruth Ann Terry, R.N., M.P.H., for causes for revoking
20 probation, alleges:

21
22 1. Complainant Ruth Ann Terry, R.N., M.P.H., makes and
23 files this petition to revoke probation in her official capacity
24 as Executive Officer, Board of Registered Nursing, Department of
25 Consumer Affairs.

26 / / /
27 / / /

1 2. On March 31, 1983, the Board of Registered Nursing
2 issued registered nurse license number 358106, to Carrie Ruth
3 Coelho, aka Carrie Ruth Ganci (hereinafter referred to as
4 respondent). On March 31, 1997, the license will expire, if not
5 renewed.

6 On July 31, 1993, the Board of Registered Nursing
7 revoked respondent's registered nurse license in the Stipulation,
8 Decision and Order, In the Matter of the Accusation Against:
9 Carrie Ruth Coehlo, aka Carrie Ruth Ganci, Accusation No. 93-9,
10 but stayed the revocation and placed respondent on three years
11 probation under terms and conditions.

12 Condition 2 requires that respondent fully comply with
13 the terms and conditions of the Probation Program established by
14 the board and cooperate with representatives of the board in its
15 monitoring and investigation of respondent's compliance with the
16 program.

17 Condition 12 requires that respondent shall completely
18 abstain from the possession, injection or consumption by any
19 route of all psychotropic (mood altering) drugs, including
20 alcohol, except when the same are lawfully prescribed by a
21 licensed physician or dentist as part of documented medical
22 treatment.

23
24 3. Grounds exist for revoking probation and reimposing
25 the order of revocation of respondent's license in that she
26 failed to comply with the following conditions of her probation:
27 / / /

1 a. Condition 2. Failed to comply with the terms and
2 conditions of her probations by violating Condition 12.

3 b. Condition 12. Failed to abstain from the use of
4 alcohol in that respondent was admitted to Cedar Vista Hospital
5 for detoxification on March 23, 1996, and subsequently on April
6 6, 1996, was admitted to Rancho L'Abri, Dulzura, California, a
7 structured drug and alcohol treatment program.

8
9 WHEREFORE, complainant prays that a hearing be held and
10 that the Board of Registered Nursing make its order:

11 1. Vacating the stay and reimposing the order of
12 revocation of registered nurse license number 358106, issued to
13 Carrie Ruth Coehlo, aka Carrie Ruth Ganci.

14 2. Taking such other and further action as may be
15 deemed proper and appropriate.

16 DATED: 7-14-96

17
18
19 /s/
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California

25 Complainant

26
27 03579110-
SA96AD0770
6-21-96 (JO)

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Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

No. 97-40

CARRIE RUTH COELHO)
aka CARRIE RUTH GANCI)
930 E. Vassar)
Fresno, California 93704)
Registered Nurse)
License No. 358106)

ACCUSATION

Respondent.)

Ruth Ann Terry, R.N., M.P.H., for causes for
discipline, alleges:

1. Complainant Ruth Ann Terry, R.N., M.P.H., makes and
files this accusation in her official capacity as Executive
Officer, Board of Registered Nursing, Department of Consumer
Affairs.

/ / /

/ / /

1 2. On March 31, 1983, the Board of Registered Nursing
2 issued registered nurse license number 358106, to Carrie Ruth
3 Coelho, aka Carrie Ruth Ganci (hereinafter referred to as
4 respondent). On March 31, 1997, the license will expire, if not
5 renewed.

6 On July 31, 1993, the Board of Registered Nursing
7 revoked respondent's registered nurse license in the Stipulation,
8 Decision and Order, In the Matter of the Accusation Against:
9 Carrie Ruth Coehlo, aka Carrie Ruth Ganci, Accusation No. 93-9,
10 subjecting her license to discipline under Business and
11 Professions Code section 2761(f) and 490 (conviction) and 2761(a)
12 as defined in 2762(b) (used alcohol impairing her ability to
13 practice nursing); however, stayed the revocation and placed
14 respondent on three years probation under terms and conditions.

15
16 3. Under Business and Professions Code section 2750,
17 the Board of Registered Nursing may discipline any licensee,
18 including a licensee holding a temporary or an inactive license,
19 for any reason provided in Article 3 of the Nursing Practice Act.

20 Under Business and Professions Code section 2764, the
21 expiration of a license shall not deprive the Board of Registered
22 Nursing of jurisdiction to proceed with a disciplinary proceeding
23 against the licensee or to render a decision imposing discipline
24 of the licensee.

25 Under Business and Professions Code section 125.3, the
26 Board of Registered Nursing may request the administrative law
27 judge to direct a licentiate found to have committed a violation

1 or violations of the licensing act to pay a sum not to exceed the
2 reasonable costs of the investigation and enforcement of the
3 case.

4
5 4. Respondent has subjected her license to discipline
6 under Business and Professions Code section 2761(a) on the
7 grounds of unprofessional conduct as defined in section 2762(b)
8 of that code in that while a registered nurse, she used alcohol
9 to an extent or in a manner dangerous or injurious to herself in
10 the following respects:

11 a. On or about March 23, 1996, respondent was admitted
12 to Cedar Vista Hospital, Fresno, California, for detoxification.

13 b. On or about April 6, 1996, respondent voluntarily
14 entered Rancho L'Abri, Dulzura, California, a structured drug and
15 alcohol treatment program.

16
17 OTHER MATTERS

18 5. In order to determine the degree of penalty to be
19 imposed, if any, complainant alleges that on July 31, 1993, the
20 Board of Registered Nursing revoked respondent's registered nurse
21 license number 358106, then stayed the revocation and placed her
22 on probation for three years under terms and conditions in
23 proceeding number 93-9, in the Stipulation, Decision and Order,
24 In the Matter of the Accusation Against: Carrie Ruth Coehlo, aka
25 Carrie Ruth Ganci. That decision is now final.

26 / / /

27 / / /

WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make its order:

1. Revoking or suspending registered nurse license number 358106, issued to Carrie Ruth Coehlo, aka Carrie Ruth Ganci.

2. Taking such other and further action as may be deemed proper and appropriate.

DATED: 10.9.96

151
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

03579110-
SA96AD0770
9-16-96 (JO)

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6 Attorneys for Complainant

7
8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation) No. 93-9
11 Against:)
12 CARRIE RUTH COELHO) ORDER ADOPTING STIPULATION
aka CARRIE RUTH GANCI)
13 4711 South Elm)
Fresno, California 93706)
14 License No. 358106)
15 Respondent.)

16
17 The attached document designated as Stipulation, Decision
18 and Order is hereby accepted and adopted by the Board of Registered
19 Nursing and shall constitute the decision of the Board in this
20 matter.

21 This order adopting the Stipulation shall become effec-
22 tive July 31, 1993.

23 DATED: June 30, 1993.

24 /s/ Harriett W. Clark, Esq.
25 President
26 BOARD OF REGISTERED NURSING
27 STATE OF CALIFORNIA

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES, Supervising
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6 Attorneys for Complainant

7
8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the)	No. 93-9
Accusation Against:)	
12)	STIPULATION, DECISION AND
13 CARRIE RUTH COELHO)	ORDER
aka CARRIE RUTH GANCI)	
1069 E. North)	
14 Fresno, CA 93725)	
License No. 358106,)	
15)	
Respondent.)	
16)	

17 The Board of Registered Nursing, Department of Consumer
18 Affairs, State of California (hereinafter "Board"), by and
19 through Deputy Attorney General Arthur Taggart, and Carrie Ruth
20 Coelho aka Carrie Ruth Ganci (hereinafter "Respondent"), by and
21 through her legal counsel Michael J. McGinnis, Esq., stipulate
22 that the matters set forth in the following paragraphs numbered
23 one through fourteen are true and correct.

24 1. Complainant Catherine M. Puri, R.N., Ph.D., made
25 and filed the accusation in her official capacity as Executive
26 Officer, Board of Registered Nursing, Department of Consumer
27 Affairs.

28 2. On March 31, 1983, the Board of Registered Nursing

1 issued registered nurse license number 358106 (hereinafter
2 "nursing license") to Respondent. The license was in full force
3 and effect at all times during the events set forth in the
4 accusation.

5 3. Respondent was served by certified mail with the
6 following documents: Accusation No. 93-9 (hereinafter
7 "Accusation"); Statement to Respondent; Notice of Defense;
8 Request for Discovery; and a copy of Government Code sections
9 11507.5, 11507.6, and 11507.7.

10 4. Respondent filed a timely Notice of Defense and
11 Request for Hearing.

12 5. The admissions made in the stipulation may be used
13 in any subsequent proceeding between the Board and Respondent, or
14 in any action taken by or before any governmental body
15 responsible for licensing or disciplining licensees, permittees
16 or registrants in the profession of nursing.

17 6. The admissions made in the stipulation are made
18 solely for the purpose of resolving the charges in the pending
19 accusation, and may not be used in any other legal proceedings,
20 actions or forums, except as provided in the stipulation.

21 7. The admissions made in this stipulation shall be
22 null, void and of no legal effect in whole, or part, if the Board
23 does not adopt the stipulation as its decision and order.

24 CAUSES FOR DISCIPLINE

25 The matters set forth in paragraphs 8, 9 and 10 are
26 factual and constitute the basis for discipline.

27 8. Respondent has subjected her license to discipline
28 under Business and Professions Code section 2761(f) in that

1 Respondent has been convicted of crimes substantially related to
2 the qualifications, functions or duties of a registered nurse, as
3 defined in Title 16, California Code of Regulations, section
4 1444, in the following respects:

5 A. On September 14, 1987, Respondent was
6 convicted by the court on a plea of guilty of violating Vehicle
7 Code section 23103(a) (driving while having 0.10 percent or more,
8 by weight, of alcohol in her blood) in the Fresno Municipal
9 Court, Consolidated Fresno Judicial District, case No. 044353,
10 entitled People v. Carrie Ruth Ganci.

11 B. On August 23, 1991, Respondent was convicted
12 by the court on a plea of nolo contendere of violating Vehicle
13 Code section 23152(a) (driving while under the influence of
14 alcohol) in the Merced County Municipal Court, case No. MM102089,
15 entitled People v. Carrie Ruth Ganci.

16 9. Respondent has subjected her license to discipline
17 under Business and Professions Code section 490 in that
18 Respondent has been convicted of a crime substantially related to
19 the qualifications, functions or duties of a registered nurse, as
20 alleged in paragraph 8.

21 10. Respondent has subjected her license to discipline
22 under Business and Professions Code section 2761(a) on the
23 grounds of unprofessional conduct as defined in section 2762(b)
24 in that on December 14, 1990, while on duty in the Post
25 Anesthesia Care Unit at Fresno Community Hospital, Fresno,
26 California, Respondent used alcoholic beverages to the extent
27 that such use impaired her ability to practice with safety to the
28 public the practice authorized by her license.

WAIVER OF RIGHTS

11. Respondent has received the advice and assistance of legal counsel in responding to the charges in the accusation and in deciding to enter into the stipulation.

12. Respondent has read and understands the charges in the accusation and the terms and conditions in the stipulation.

13. Respondent gives up, relinquishes and waives the right to a hearing, the right to subpoena witnesses and documents on her behalf, the right to cross-examine witnesses, the right to present evidence in her defense, the right to introduce evidence in mitigation, the right to reconsideration and the right to appeal any adverse decision or order, which might be rendered by the Board following an administrative hearing held pursuant to the provisions of the Administrative Procedure Act of the State of California. (Government Code section 11500, et seq.)

14. Respondent hereby waives the right to challenge or

/ / /

/ / /

/ / /

1 dispute any admission, waiver, stipulation, term or condition
2 included in the stipulation in any licensing or disciplinary
3 proceeding before the Board.

4
5 Dated: 1/20/93

Carrie Coelho
CARRIE RUTH COELHO, Respondent
Registered Nursing License 358106

6
7
8 Dated: 1-20-93

Michael J. McGinnis
MICHAEL J. MCGINNIS, Esq.
Attorney for Respondent

DANIEL E. LUNGREN, Attorney General
of the State of California
JOEL S. PRIMES, Supervising
Deputy Attorney General
ARTHUR TAGGART,
Deputy Attorney General

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14 Dated: 2/3/93

15 By Arthur Taggart
ARTHUR TAGGART
Deputy Attorney General
Attorneys for Complainant

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1. Obey All Laws: Respondent shall obey all federal, state and local laws, and all rules and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence.

3. Absence From State: Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the State.

4. Submit Written Reports: Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury as are required. These declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's probation program. Respondent

1 shall immediately execute all release of information forms as may
2 be required by the Board or its representatives.

3 5. Function as a Registered Nurse: Respondent,
4 during the period of probation, shall engage in the practice of
5 professional nursing in California for a minimum of 24 hours per
6 week (or as determined by the Board) for 6 consecutive months.
7 Per section 2732 of the Business and Professions Code, no person
8 shall engage in the practice of registered nursing without
9 holding a license which is in an active status.

10 6. Nursing Practice: The Board shall be informed of
11 and approve of each agency for which Respondent provides nursing
12 services prior to Respondent's commencement of work. Respondent
13 shall inform her employer of the reason for and the terms and
14 conditions of probation and shall provide a copy of the Board's
15 decision and order to her employer and immediate supervisor. The
16 employer shall submit performance evaluations and other reports
17 as requested by the Board. Respondent is also required to notify
18 the Board in writing within seventy-two (72) hours after
19 termination of any nursing employment. Any notification of
20 termination shall contain a full explanation of the circumstances
21 surrounding it.

22 7. Supervision: The Board shall be informed of and
23 approve of the level of supervision provided to Respondent while
24 she is functioning as a registered nurse. The appropriate level
25 of supervision must be approved by the Board prior to
26 commencement of work. Respondent shall practice only under the
27 direct supervision of a registered nurse in good standing (no
28 current discipline) with the Board of Registered Nursing.

1 8. Employment Limitations: Respondent may not work
2 for a nurse registry; temporary nurse agency; home care agency;
3 in-house nursing pool; as a nursing supervisor; as a faculty
4 member in an approved school of nursing; or as an instructor in a
5 Board approved continuing education program. Respondent must
6 work only on regularly assigned, identified and predetermined
7 worksite(s) with appropriate supervision as approved by the
8 Board.

9 9. Complete a Nursing Course(s): Respondent, at her
10 expense, shall begin and successfully complete a course(s) in
11 nursing as directed by the Board prior to engaging in the
12 practice of nursing and prior to the end of the probationary
13 term.

14 Respondent may be suspended from practicing
15 nursing until the necessary coursework is completed. The content
16 of such course(s) and the place and conditions of instruction
17 shall be specified by Board representatives at the time of the
18 initial probation meeting based on the nature of the
19 violation(s). Specific courses must be approved prior to
20 enrollment. Respondent must submit written proof of enrollment
21 and proof of successful completion. Transcripts or certificates
22 of completion must be mailed directly to the Board by the agency
23 or entity instructing Respondent.

24 Home study or correspondence courses are not
25 acceptable and will be approved.

26 10. Physical Examination: Respondent, at her expense,
27 within 45 days of the effective date of this decision, shall have
28 a licensed physician submit, in a format acceptable to the Board,

1 an assessment of Respondent's physical condition and capability
2 to perform the duties of a professional registered nurse. If
3 medically determined, a recommended treatment program will be
4 instituted and followed by Respondent with the physician
5 providing written reports to the Board on forms provided by the
6 Board.

7 11. Participate in Rehabilitation Program for Chemical
8 Dependence: Respondent, at her expense, shall successfully
9 complete or shall have successfully completed a
10 treatment/rehabilitation program of at least six months duration
11 which the Board approves. Reports shall be submitted by the
12 program on forms provided by the Board. If Respondent has not
13 completed a treatment program prior to commencement of probation,
14 Respondent, within a reasonable period of time as determined by
15 the Board (but not exceeding 45 days from the effective date of
16 the decision) shall be enrolled in a treatment program. If a
17 treatment program is not successfully completed within the first
18 nine months of probation, the Board will consider Respondent to
19 be in violation of probation and will initiate further
20 disciplinary action against Respondent's license.

21 In addition, Respondent must attend two 12-step
22 recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic
23 Anonymous, etc.) and a nurse support group as directed by the
24 Board. If a nurse support group is not available, an additional
25 12-step meeting must be added. Respondent must submit dated and
26 signed documentation confirming such attendance to the Board
27 during the entire period of probation.

28 12. Abstain From Use of Psychotropic (Mood-Altering)

1 Drugs: Respondent shall completely abstain from the possession,
2 injection or consumption by any route of all psychotropic (mood
3 altering) drugs, including alcohol, except when the same are
4 lawfully prescribed by a licensed physician or dentist as part of
5 documented medical treatment. Respondent shall have sent to the
6 Board, in writing and within fourteen (14) days, by the
7 prescribing physician or dentist, a report identifying the
8 medication, dosage, the date the medication was prescribed,
9 Respondent's prognosis, and the date the medication will no
10 longer be required.

11 13. Submit To Tests and Samples: Respondent, at her
12 expense, shall participate in a random, biological fluid testing
13 or a drug screening program which the Board approves. The length
14 of time and frequency will be subject to approval by the Board.
15 Respondent is responsible for ensuring that reports are submitted
16 directly by the testing agency to the Board, as directed. Any
17 confirmed positive finding shall be reported immediately to the
18 Board by the program and Respondent will be considered in
19 violation of probation.

20 In addition, Respondent, at any time during the
21 period of probation shall fully cooperate with the Board or any
22 of its representatives, and shall, when requested, submit to such
23 tests and samples as the Board or its representatives may require
24 for the detection of alcohol, narcotics, hypnotics, dangerous
25 drugs, or other controlled substances.

26 14. Mental Health Examination: Respondent shall,
27 within 45 days of the effective date of this decision, have a
28 mental health examination including psychological testing as

1 appropriate to determine her capability to perform the duties of
2 a registered nurse. The examination will be performed by a
3 psychiatrist, psychologist or other licensed mental health
4 practitioner approved by the Board. The examining mental health
5 practitioner will submit a written report of that assessment and
6 recommendations to the Board. All costs are the responsibility
7 of Respondent. Recommendations for treatment, therapy or
8 counselling made as a result of the mental health examination
9 will be instituted and followed by Respondent.

10 15. Therapy or Counseling Program: Respondent, at her
11 expense, shall participate in an on-going counseling program
12 until such time as the Board releases her from this requirement
13 and only upon the recommendation of the counselor. Written
14 progress reports from the counselor will be required at various
15 intervals.

16 16. Violation of Probation: If Respondent violates
17 the conditions of her probation, the Board after giving
18 Respondent notice and an opportunity to be heard, may set aside
19 the stay order and impose the revocation of Respondent's license.
20 If, during the period of probation, an accusation has been filed
21 against Respondent's license or the Attorney General's Office has
22 been requested to prepare an accusation against Respondent's
23 license, the probation period shall automatically be extended and
24 shall not expire until the accusation has been acted upon by the
25 Board. Upon successful completion of probation, Respondent's
26 license will be fully restored.

27

28

ACKNOWLEDGMENT

I have received the advice and assistance of legal counsel in the proceedings before the Board of Registered Nursing. I have read and understand the stipulation and proposed decision and order. I understand that I have the right to a hearing on the charges made in Accusation No. 93-9, the right to cross-examine witnesses, the right to present evidence in my defense, the right to introduce evidence in mitigation of the charges, the right to reconsideration, and the right to appeal any adverse decision which might be rendered by the Board after an administrative hearing. I give up and waive these rights and agree to be bound by the terms of the stipulation and the decision and order of the Board. I also understand that my nursing license will be revoked. However, I also understand that the revocation will be stayed and I will be required to comply with the terms and conditions of the stipulation while on the three-year period of probation. I understand that if I violate a term or condition of probation, my license may be revoked.

By signing my signature on the space provided below, I hereby acknowledge that I have waived the foregoing rights and I agree to be bound by the terms and conditions of the stipulation and the decision and order of the Board.

Dated: 1/24/93

Carrie Coelho
CARRIE RUTH COELHO, Respondent

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES
Supervising Deputy Attorney General
3 STEVEN M. KAHN
Deputy Attorney General
4 1515 K Street, Suite 511
P. O. Box 944255
5 Sacramento, California 94244-2550
Telephone: (916) 324-5338

6 Attorneys for Complainant
7
8

9 BEFORE THE
BOARD OF REGISTERED NURSING
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation
12 Against:

NO. 93-9

13 CARRIE RUTH COELHO
aka CARRIE RUTH GANCI
14 1069 E. North
Fresno, CA 93725
15 License No. 358106,

ACCUSATION

16 Respondent.
17

18 Catherine M. Puri, R.N., Ph.D., for causes for
19 discipline, alleges:
20

21 1. Complainant Catherine M. Puri, R.N., Ph.D., makes
22 and files this accusation in her official capacity as Executive
23 Officer, Board of Registered Nursing, Department of Consumer
24 Affairs.
25

26 2. On March 31, 1983, the Board of Registered Nursing
27 issued Registered Nurse License Number 358106 to Carrie Ruth

1 Coelho, also known as Carrie Ruth Ganci. The license was in full
2 force and effect at all times pertinent herein and has been
3 renewed through March 31, 1993.

4
5 3. Under Business and Professions Code section 2750,
6 the Board of Registered Nursing may discipline any licensee,
7 including a licensee holding a temporary or an inactive license,
8 for any reason provided in Article 3 of the Nursing Practice Act.

9 Under Business and Professions Code section 2764, the
10 expiration of a license shall not deprive the Board of Registered
11 Nursing of jurisdiction to proceed with a disciplinary proceeding
12 against the licensee or to render a decision imposing discipline
13 on the license.

14 Under Business and Professions Code section 490, the
15 Board of Registered Nursing may suspend or revoke a license when
16 it finds that the licensee has been convicted of a crime
17 substantially related to the qualifications, functions or duties
18 of a registered nurse.

19
20 4. Respondent has subjected her license to discipline
21 under Business and Professions Code section 2761(f) in that
22 respondent has been convicted of crimes substantially related to
23 the qualifications, functions or duties of a registered nurse, as
24 defined in Title 16, California Code of Regulations, section
25 1444, in the following respects:

26 a. On September 14, 1987, respondent was convicted by
27 the Court on a plea of guilty of violating Vehicle Code section

1 23103(a) (driving while having 0.10 percent or more, by weight,
2 of alcohol in her blood) in the Fresno Municipal Court,
3 Consolidated Fresno Judicial District, case number 044353,
4 entitled People v. Carrie Ruth Ganci.

5 b. On August 23, 1991, respondent was convicted by the
6 Court on a plea of nolo contendere of violating Vehicle Code
7 section 23152(a) (driving while under the influence of alcohol)
8 in the Merced County Municipal Court, case number MM102089,
9 entitled People v. Carrie Ruth Ganci.

10
11 5. Respondent has subjected her license to discipline
12 under Business and Professions Code section 490 in that
13 respondent has been convicted of a crime substantially related to
14 the qualifications, functions or duties of a registered nurse, as
15 alleged in paragraph 4.

16
17 6. Respondent has subjected her license to discipline
18 under Business and Professions Code section 2761(a) on the
19 grounds of unprofessional conduct as defined in section 2762(b)
20 in that on December 14, 1990, while on duty in the Post
21 Anesthesia Care Unit at Fresno Community Hospital, Fresno,
22 California, respondent used alcoholic beverages to the extent
23 that such use impaired her ability to practice with safety to the
24 public the practice authorized by her license.

25
26 WHEREFORE, complainant prays that a hearing be held and
27 that the Board of Registered Nursing make its order:

1 1. Revoking or suspending Registered Nurse License
2 Number 358106, issued to Carrie Ruth Coelho, aka Carrie Ruth
3 Ganci.

4 2. Taking such other and further action as may be
5 deemed proper and appropriate.

6 DATED: July 27, 1992

7
8
9 Catherine M. Puri
10 CATHERINE M. PURI, R.N., Ph.D.
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California

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Complainant

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